

The Honorable Ricardo S. Martinez

UNITED STATE DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Case No. 3:22-CV-5565-RSM

AMERICAN HALLMARK INSURANCE  
COMPANY OF TEXAS, a foreign insurer;

Plaintiff,

vs.

CHRISTIAN BECK; individually, SCOTT  
HOLLAND; individually, DANNA  
HOLLAND, individually; RHINE  
DEMOLITION LLC, a Washington  
corporation; RHINE GROUP, INC., a  
Washington corporation; RON SPARKS,  
INC., a foreign for-profit corporation; G.M.  
NORTHRUP CORPORATION, a Minnesota  
corporation; O'REILLY AUTOMOTIVE  
ENTERPRISES, LLC, a foreign for-profit  
corporation and O'REILLY AUTO PARTS  
STORES, INC., a foreign for-profit  
corporation, and RSI Stores, Inc, a foreign  
for-profit corporation;

Defendants.

**DECLARATION OF CINDY  
BUCKHOLZ IN SUPPORT OF  
AMERICAN HALLMARK  
INSURANCE COMPANY OF TEXAS'  
MOTION FOR SUMMARY  
JUDGMENT**

I, Cindy Buckholz declare as follows:

1. I am over the age of eighteen (18) years of age. I am competent to testify in this matter. I make this declaration based on my direct personal knowledge and on the records and

1 files maintained by Hallmark in the ordinary course of business.

2 2. I am a Claims Professional employed by Plaintiff American Hallmark Insurance  
3 Company of Texas (Hallmark) and was assigned to G.M. Northrup Corporation's ("G.M.") tender  
4 for defense and indemnity of the claims alleged against it in *Christian Beck et al. v. Rhine*  
5 *Demolition LLC, et al.*, Pierce County Superior Court Cause No. 20-2-07117-5 (the "Underlying  
6 Lawsuit").

7 3. On or about April 7, 2022, G.M. verified that it was tendering the Underlying  
8 Lawsuit to Hallmark for defense and indemnity and asserting that it was entitled to coverage as  
9 an additional insured under a Hallmark policy of insurance issued to Black Hills Excavating,  
10 LLC. ("Black Hills").

11 4. Attached as **Exhibit A** is the true and correct copy of the policy of insurance issued  
12 by Hallmark to Black Hills under policy number 44-CL-000494289-02, which was in effect from  
13 May 5, 2019 to May 5, 2020 (the "Policy").

14 5. The tender to Hallmark included a copy of the October 1, 2012 subcontract  
15 between G.M. and Black Hills for work at the O'Reilly Auto Parts store located at 23030 NE  
16 State Route 3, Belfair, Washington

17 6. Attached as **Exhibit B** is the true and correct copy of the Subcontract Agreement  
18 between G.M. Northrup Corporation and Black Hills Excavating dated October 1, 2012.

19 7. As part of its adjustment and investigation into the tender, Hallmark obtained a  
20 copy of a lien waiver reflecting that all of Black Hills' work was completed under the subcontract  
21 and had released its lien rights as of June 12, 2013.

22 8. Attached as **Exhibit C** is the true and correct copy of The Final Unconditional  
23 Waiver of Lien between G. M. Northrup Corporation to perform excavation work at O'Reilly

1 Auto Parts dated June 12, 2013.

2 9. On or about May 2, 2022, Hallmark accepted the tender for defense pursuant to a  
3 full reservation of rights and issued a reservation of rights letter. A supplemental reservation of  
4 rights letter was issued on or about July 7, 2022.

5 I declare under the laws of perjury of the State of Washington that the foregoing is true and  
6 correct.

7 DATED this 15th day of March (month) 2023, at Granbury (city),  
8 tx (state).  
9

10  
11 Cynthia Buckholz  
12 Cindy Buckholz  
13 Senior Claims Adjuster  
14 Hallmark Insurance Company of Texas  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies under the penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner noted below a true and correct copy of the foregoing on the following party(ies):

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By: ☒ First Class Mail ☒ E-Service/Email ☐ Legal Messenger

DATED this 15<sup>th</sup> day of March 2023 at Seattle, Washington.

s/ Nico Schulz  
Nico Schulz | Paralegal